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July 22, 1997

OF COUNSEL
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*NOT ADMITTED IN MD

Mr. William F. Caton
Acting Secretary
Federal Communications Commission
1919 M Street, N.W. Room 222
Washington, D.C. 20554

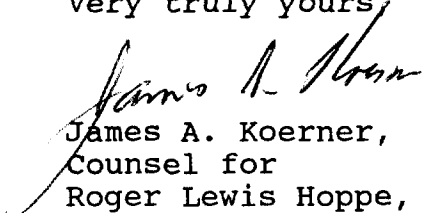
Re: MM Docket No. 97-118
RM-9061

Dear Mr. Caton:

On behalf of Roger Lewis Hoppe, II, there are transmitted herewith an original and four (4) copies of Reply Comments filed in Response to a Public Notice, released July 7, 1997, announcing a counterproposal in the above-referenced proceeding.

Should additional information be necessary in connection with this matter, please communicate with this office.

Very truly yours,


James A. Koerner,
Counsel for
Roger Lewis Hoppe, II

cc: Mr. Roger Lewis Hoppe, II

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JUL 22 1997

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	
Amendment of Section 73.202(b),)	MM Docket No. 97-118
Table of Allotments)	RM - 9061
FM Broadcast Stations,)	
(Walhalla, Pentwater and Baldwin, Michigan))	

To: Chief, Allocations Branch
Policy and Rules Division
Mass Media Bureau

REPLY COMMENTS

Roger Lewis Hoppe, II ("Hoppe"), by his attorneys, hereby submits his Reply Comments as invited by the Public Notice (Report No. 2209), released July 7, 1997.

The Public Notice indicated that an application of Bay View Broadcasting, Inc. to substitute Channel 274A for Channel 276A at Pentwater, Michigan (File No. BMPH-970319IE), would be treated as a counterproposal for this proceeding which seeks to allot Channel 274A at Walhalla, Michigan. Reply comments on the counterproposal were invited to be filed by July 22, 1997.

As between a channel substitution and a first local service allotment, the Commission's guidelines as set forth in Revision of FM Assignments and Procedures, 90 FCC 2d 88 (1982) dictate that the first service allotment is preferred.¹

Information on the Commission's Internet site indicates that Channel 255A might be under consideration as a substitute for Channel 274A at Walhalla so that the Pentwater substitution and a Walhalla allotment can both be made. However, Channel 255A can be used as a first local service allotment at Baldwin, Michigan, and thus would be preferable under the priorities.

Baldwin is an incorporated city in western Lake County, Michigan. It has its own post office (Zip Code 49304). Population is 674. Baldwin has a public library and its own school system. It also has several churches of different denominations.

Additionally, Baldwin is the home of the Lake County Star, a weekly newspaper which is the only mass medium in Lake County. No radio stations are licensed to Lake County. Since Baldwin is also the county seat of Lake County, numerous county functions are centered there, including the Department of Social Services, Animal Control and Department of Public Health.

Lake County is a designated Federal Enterprise Zone in the Empowerment Zone and Enterprise Community Initiative, and thus eligible for performance grants and tax incentives. Thus, the population of Lake County and Baldwin will surely increase substantially in the coming years.

Attached hereto is an engineering study demonstrating that Channel 255A can be allotted to Baldwin consistent with the Commission's mileage separation and coverage requirements.

¹The priorities are: (1) first full-time aural service; (2) second full-time aural service; (3) first local service; and (4) other public interest matters. [Co-equal weight is given to priorities (2) and (3).]

If Channel 255A is allotted to Baldwin, Hoppe will file an application for a construction permit on that channel. If granted, Hoppe intends to construct and operate a station thereon.

Accordingly, it is requested that Channel 274A be allotted to Walhalla, as previously proposed, and that Channel 255A be allotted to Baldwin, Michigan.

Respectfully submitted,

ROGER LEWIS HOPPE, II

Date: July 22, 1997

By: 

James A. Koerner
His Attorney

BARAFF, KOERNER & OLENDER, P.C.

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Bethesda, Maryland 20814
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ENGINEERING STUDY

Reference coordinates for proposed new FM at Baldwin, MI: 43⁰ 49' 22"
85⁰ 59' 57"

<u>LOCATION</u>	<u>CHANNEL</u>	<u>CLASS</u>	<u>REQUIRED</u>	<u>ACTUAL</u>	<u>RESULTS</u>
North Muskegon, MI	252	A	31	64	Clear 33
Green Bay, WI	253	C	95	194	Clear 99
Houghton Lake, MI	253	C-1	75	113	Clear 38
Grand Rapids, MI	254	A	72	91	Clear 19
Detroit, MI	254	B	113	281	Clear 168
Chicago, IL	254	B	113	251	Clear 138
Petoskey, MI	255	C-1	200	202	Clear 2
East Lansing, MI	256	B	113	176	Clear 63
Milwaukee, WI	256	B	113	193	Clear 80
Frankfort, MI	257	C-2	55	88	Clear 33
Detroit, MI	258	B	69	273	Clear 204
Chicago, IL	258	B	69	251	Clear 182

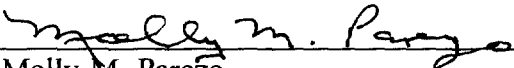
It is respectfully requested that the Commission amend the FM Table of Assignments to read as follows:

<u>LOCATION</u>	<u>CHANNEL</u>
Baldwin, MI	255A

CERTIFICATE OF SERVICE

I, Molly M. Parezo, secretary in the law firm of Baraff, Koerner & Olender, P.C., do hereby certify that a copy of the foregoing **Reply Comments** was served this 22nd day of July, 1997, via first class United States mail, postage prepaid, upon the following:

Bay View Broadcasting, Inc.
4359 South Howell
Suite 106
Milwaukee, WI 53207



Molly M. Parezo